

08-02-04

ZFW/JK

Docket Number 03 PAT 198
Client - SEAL



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant: Michael A. Burleson Date: July 30, 2004
Serial Number: 10/749,040 Examiner: A'Adamo, S. D.
Filing Date: 30 December 2003 Art Unit: 3636
Title: Safety Swivel Seatback for Recreational Vehicles

PETITION TO MAKE SPECIAL

Commissioner for Patents
Mail Stop PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant respectfully petitions the Patent and Trademark Office to Make Special the above identified application, under 37 CFR 1.102(d), because of actual infringement.

The Applicant submits the attached Declaration giving the details of infringement.

Applicant's attorney has examined the record, the instant invention and the photographs of the infringing device and has determined that actual infringement exists.

Respectfully submitted,

C. W. Alworth, Registered Patent Attorney
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Alworth Law & Engineering
Customer Number 27645
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CERTIFICATE OF EXPRESS MAIL

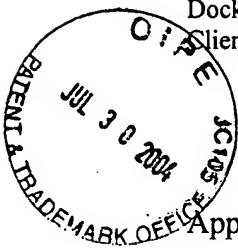
I certify that the attached Petition to Make Special was placed in the United States Postal Service using EXPRESS MAIL services on July 30, 2004 as item number EV 405149923 US. As such the Commissioner is hereby respectfully requested to assign the date of filing as 30 July 2004.

A handwritten signature in black ink, appearing to read "C. W. Alworth".

C. W. Alworth

PETITION FEE OF \$130 ENCLOSED

(EV405149923US)



Docket Number 03 PAT 198
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant: Michael A. Burleson Date: July 27, 2004
Serial Number: 10/749,040 Examiner: D'Adamo, S. D.
Filing Date: 30 December 2003 Art Unit: 3636
Title: Safety Swivel Seatback for Recreational Vehicles

DECLARATION BY INVENTOR IN PETITION TO MAKE SPECIAL

I, Michael A. Burleson, declare and say:

That I am the inventor in the above identified patent application;

That I was graduated from Texas A&M University;

That I am a Licensed as a Professional Engineer in the State of Texas;

That I am a Certified Safety Professional (Engineering);

That I am an employee of System Engineering and Laboratories (SEAL) serving as a Vice President of the company;

That I am an accident investigator;

That I have investigated numerous accidents involving personal watercraft recreational vehicles commonly known as jet skis or similar;

That in the course of my investigations I determined that some accidents result from the rider being ejected rearward from the watercraft seat;

That a safety device such as a seat back could substantially reduce these accidents;

That a fixed seat back would impede, to some degree, the re-mounting of the vehicle;

That as a consequence of my investigations I invented the "Safety Swivel Seatback for Recreational Vehicles";

That I caused to be filed a Provisional Application for said invention on December 31, 2002, now Application Serial Number 60/437,430;

That I caused to be filed a Utility Application claiming priority from said Provisional Application on December 30, 2003, now Application Serial Number 10/749,040;

That I became aware that a direct copy of my invention was made by Mr. Kevin Breen of the research division of Engineering Systems, Inc., located in Ft. Myers, Florida;

That said direct copy of my invention was manufactured prior to January 9, 2004, but after U.S. Provisional Application filed on December 31, 2002.

That said copy was discussed in a litigation case during a deposition taken on Mr. Breen on or about January 9, 2004;

That I, Michael A. Burleson became aware of such copy of my invention as the result of a discovery request in photographs and copies of the deposition of Kevin Breen presented to my Company on May 3, 2004, in which Mr. Breen admits he made such device;

That the copy in question is essentially identical to my device except for the color – my prototype device being red and the copy being yellow;

That it was my intention (and the intention of my backers) to market my Safety Swivel Seatback to personal watercraft manufacturers and/or as an aftermarket item.

That the copy and demonstration of my device has severely sabotaged my commercial avenues.

That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon;

Further declarant saith not.

Date: July 27, 2004


Michael A. Burleson